

CLERK'S RECORD

Volume 1 OF 1
SUPPLEMENTAL I

Trial Court Cause No. 114-0648-13

FILED IN
12th COURT OF APPEALS
TYLER, TEXAS

9/9/2014 9:16:40 AM

CATHY S. LUSK

Clerk

In the 114TH DISTRICT COURT District Court of Smith County, Texas

Honorable Christi Kennedy, Judge Presiding

STATE OF TEXAS, APPELLANT(S)

VS.

JOSEPH MICHAEL PIERCE, Appellee(s)

Appealed to the
Court of Appeals for the 12th District of Texas at Tyler, Texas

Attorney for Appellant(s):

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Tyler, Texas 75702

Telephone no: 903-593-2400

Fax no. 903-593-3830

SBOT No. 00795437

Email:

Attorney For JOSEPH MICHAEL PIERCE , Appellant's

Delivered to the
Court of Appeals for the 12th District of Texas at Tyler, Texas
on the 9th of September, 2014

Lois Rogers, Smith County District Clerk

By: /S/ LINDA RHYMES
LINDA RHYMES , Deputy

Appellate Court Cause No. _____

Filed in the
Court of Appeals for the 12th District of Texas at Tyler, Texas,
on the _____ day of _____, 2014



Smith County Courthouse
100 N. Broadway, Room 204
Tyler, Texas 75702

Lois Rogers
Smith County District Clerk

(903) 590-1672
Fax (903) 590-1661
TTY/TDD (903) 590-1673

In the 114TH DISTRICT COURT of Smith County,
Texas, the Honorable, Christi Kennedy Judge
Presiding, the following proceedings were held and the following
instruments and other papers were filed in this cause, to wit:

Trial Court Cause No. 114-0648-13

STATE OF TEXAS, Appellant

vs.

JOSEPH MICHAEL PIERCE, Appellee

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Trial Court Cause No.: 114-0648-13

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JAMES W. HUGGLER, JR.

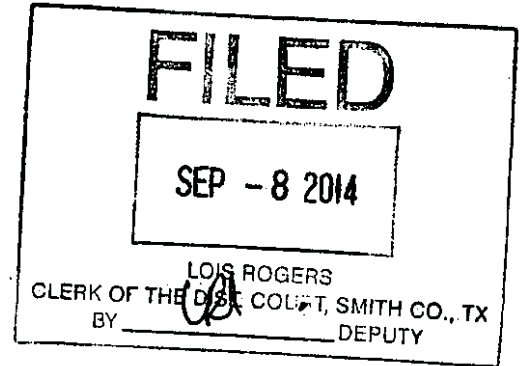
ATTORNEY AT LAW

Board Certified in Criminal Law
Board Certified in Criminal Appellate Law

Texas Board of Legal Specialization

September 8, 2014

Lois Rogers
Smith County District Clerk
100 North Broadway Ave.
4th Floor, Smith County Courthouse
Tyler, TX 75702



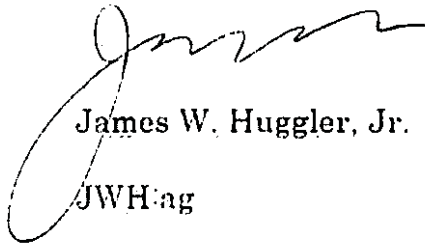
RE: State of Texas v. Joseph Michael Pierce
Appeal Number: 12-14-00073-CR
Trial Number: 114-0648-13

Dear Mrs. Rogers,

I recently reviewed the District Clerk's Record in the above referenced case. The Clerk's Record failed to include a Motion to Suppress that was filed with your office on August 27, 2013. I am asking that your office supplement this document immediately based upon the date that the Appellant's brief is due.

Should you have any questions and/or concerns, please do not hesitate to contact my office.

Sincerely,


James W. Huggler, Jr.

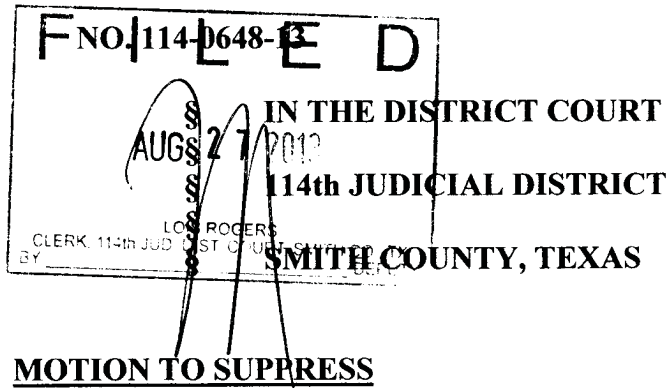
JWH:ag

Set for hearing 9/19.

STATE OF TEXAS

vs.

JOSEPH PIERCE



TO THE HONORABLE COURT:

Now comes Joseph Pierce, Defendant, and files this Motion to Suppress and shows the following:

1. Defendant has been charged with the offenses of Possession of a Controlled Substance.
2. On or about February 22, 2013, law enforcement officers stopped Mr. Pierce's vehicle on I-20 and subsequently searched the vehicle without a search warrant. As a result of the search, evidence that may be used by the State at trial of this cause was seized, including illegal drugs, namely methamphetamine.
3. The actions of the Tyler Police violated the constitutional and statutory rights of the Defendant under the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Article I, Section 9 of the Texas Constitution, and under Article 38.23 of the Texas Code of Criminal Procedure.
4. Joseph Pierce was arrested without lawful warrant, probable cause or other lawful authority in violation of the rights of Joseph Pierce pursuant to the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, Article I, Sections 9, 10 and 19 of the Constitution of the State of Texas.

5. Any statements obtained from Joseph Pierce were obtained in violation of Article 38.22 of the Texas Code of Criminal Procedure and in violation of the rights of Joseph Pierce pursuant to the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, Article I, Sections 9, 10 and 19 of the Constitution of the State of Texas.

6. Any wire, oral, or electronic communications intercepted in connection with this case were seized without lawful warrant, probable cause or other lawful authority in violation of state and federal law.

7. Any tangible evidence seized in connection with this case, including but not limited to cocaine and marijuana, was seized without warrant, probable cause or other lawful authority in violation of the rights of Joseph Pierce pursuant to the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, Article I, Sections 9, 10 and 19 of the Constitution of the State of Texas.

8. Therefore, Defendant requests that the following matters be suppressed at trial of this cause:

a. Any and all tangible evidence seized by law enforcement officers or others in connection with the detention and arrest of Joseph Pierce in this case or in connection with the investigation of this case, including but not limited to illegal drugs, and any testimony by the Tyler Police or any other law enforcement officers or others concerning such evidence.

b. The arrest of Joseph Pierce at the time and place in question and any and all evidence which relates to the arrest, and any testimony by the Tyler Police or any other law enforcement officers or others concerning any action of Joseph Pierce while in detention or under arrest in connection with this case.

c. All written and oral statements made by Joseph Pierce to any law enforcement officers or others in connection with this case, and any testimony by the Tyler Police or any other law enforcement officers or others concerning any such statements.

d. All wire, oral, or electronic communications intercepted in connection with this case and any and all evidence derived from said communications.

e. Any other matters that the Court finds should be suppressed upon hearing of this motion.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court suppress matters at trial of this cause, and for such other further relief in connection therewith that is proper.

Respectfully submitted,




Jason A. Ellis
Texas Bar No. 24052915
120 S. Broadway Ave. St. 109
Tyler, TX 75702
Telephone: (903) 705-6236
Facsimile: (903) 705-6237

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document was served on counsel for the State. Further, a copy of this Motion was also served on Appellant by ~~certified and first class mail.~~

Hand Delivery



Jason A. Ellis



Smith County Courthouse
100 N. Broadway, Room 204
Tyler, Texas 75702

Lois Rogers
Smith County District Clerk

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I, Lois Rogers, Clerk of the 114TH DISTRICT COURT of Smith County, Texas, do hereby certify that the documents contained in this record to which this certification is attached are all of the documents specified by Texas Rule of Appellate Procedure 34.5(a) and all other documents timely requested by a party to this proceeding under Texas Rule of Appellate Procedure 34.5(b).

Given under my hand and seal at my office in Tyler, Smith County, Texas
this 9th day of September ,2014 .

Lois Rogers, Smith County District Clerk

BY: /S/ LINDA RHYMES
Deputy, LINDA RHYMES